

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIC IRIZARRY-INGEL, HW-7989,)
Petitioner,)
)
)
v.) 2: 14-cv-1013
)
)
ATTORNEY GENERAL OF PA.,)
Respondent.)

MEMORANDUM and ORDER

Mitchell, M.J.:

Eric Irizarry-Ingel, an inmate at the State Correctional Institution-Fayette has presented a petition for a writ of habeas corpus which is neither accompanied by the appropriate filing fee or forma pauperis application. For the reasons set forth below, the petition will be transferred forthwith to the United States District Court for the Eastern District of Pennsylvania.

Irizarry-Ingles is presented incarcerated at the State Correctional Institution-Fayette serving a sixteen to thirty-two year sentence imposed following his conviction in the Court of Common Pleas of Lehigh County, Pennsylvania.

It is provided in 28 U.S.C. §2241(d) that:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in Lehigh County, which is located in the Eastern District of Pennsylvania. It, therefore, would appear that the interests of justice would best be served by transferring the petition to the United States District Court for the Eastern District of

Pennsylvania.

An appropriate Order will be entered.

ORDER

AND NOW, this 30th day of July, 2014 for the reasons set forth in the foregoing Memorandum, IT IS ORDERED that the above captioned case be transferred forthwith to the United States District Court of the Eastern District of Pennsylvania.

s/ Robert C. Mitchell
United States Magistrate Judge